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4 ANDREW PATRICK O'BRIEN,
5 Plaintiff,
6 v.
7 TEAM SAN JOSE,
8 Defendant.

9 Case No. 22-cv-07152-PCP
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13 **ORDER DISMISSING CASE**

14 Re: Dkt. No. 23
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19 On November 15, 2022, pro se plaintiff Andrew O'Brien filed this lawsuit against Team
20 San Jose, alleging violations under Title VII and California's Fair Employment and Housing Act
21 for imposition of a workplace vaccine mandate. O'Brien asserts that his sincerely held religious
22 belief in "human rights" was violated by the vaccine mandate. After the Court found that both
23 O'Brien's initial complaint and first amended complaint failed to state a claim, O'Brien filed his
24 second amended complaint on April 5, 2023. ECF No. 19.

25 On September 26, 2023, Magistrate Judge Cousins issued a Report and Recommendation
26 in which he requested reassignment of the case to a district court judge and recommended
27 dismissal of O'Brien's case, without leave to amend, for failure to state a claim. ECF No. 23. No
objection to the Report and Recommendation was filed within the applicable 14-day deadline.
Pursuant to Judge Cousins's request, the case was reassigned to District Court Judge P. Casey Pitts
on September 26, 2023. The Court now adopts Judge Cousins's Report and Recommendation and
dismisses the case without leave to amend and with prejudice.

28 **IT IS SO ORDERED.**

Dated: October 23, 2023

United States District Court
Northern District of California

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P. Casey Pitts
United States District Judge